

CHAPTER 1106

FARM MEDIATION AND LEGAL ASSISTANCE TO FARMERS

S.F. 2066

AN ACT providing for the effectiveness of provisions relating to farm assistance programs, including provisions authorizing the attorney general to contract with organizations to provide mediation services and legal assistance to farmers.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. REPEALS OF CODIFIED SECTIONS. Sections 13.25, 654A.17, and 654B.12, Code Supplement 1993, are repealed.

Sec. 2. REPEALS OF UNCODIFIED SECTIONS.

1. 1990 Iowa Acts, chapter 1143, sections 28 and 29, are repealed.
2. 1993 Iowa Acts, chapter 29, section 4, is repealed.
3. 1993 Iowa Acts, chapter 171, section 23, is repealed.

Sec. 3. ELIMINATION OF EFFECTIVE DATE FOR UNCODIFIED REPEALING SECTIONS. 1990 Iowa Acts, chapter 1143, section 32, subsection 2, is amended by striking the subsection.

Approved April 25, 1994

CHAPTER 1107

SUBSTANTIVE CODE CORRECTIONS

S.F. 2086

AN ACT relating to statutory corrections which may adjust language to reflect current practices, insert earlier omissions, delete redundancies and inaccuracies, delete temporary language, resolve inconsistencies and conflicts, update ongoing provisions, or remove ambiguities.

Be It Enacted by the General Assembly of the State of Iowa:

DIVISION I – RESUBMISSIONS

Section 1. Section 7A.3, unnumbered paragraph 3, Code Supplement 1993, is amended to read as follows:

The officials and departments required by this section to file reports shall submit the reports on standardized forms furnished by the director of ~~revenue and finance~~ the department of management. All officials and agencies submitting reports shall consult with ~~the director of revenue and finance and~~ the director of the department of management, and shall devise standardized report forms for submission to the governor and members of the general assembly.

Sec. 2. Section 15.283, subsection 4, Code 1993, is amended to read as follows:

4. Moneys available under this program for the traditional infrastructure category, the new infrastructure category, and the planning category shall be allocated by the director. ~~Annually, not more than~~ The director may allocate up to three hundred thousand dollars of the funds for the program shall be allocated for annually to the planning category.

PARAGRAPH DIVIDED. Moneys available under this program for the housing category shall be allocated by the executive director of the Iowa finance authority who may transfer a portion of the moneys to the department for the planning category. If moneys allocated to

the housing category are not used or dedicated by April 1 of the fiscal year, the moneys shall be reallocated to the other categories that have the most need as determined by the department.

PARAGRAPH DIVIDED. At least one-third of the moneys allocated for the traditional infrastructure category, the new infrastructure category, and the housing category shall be set aside for cities with populations of five thousand or less. For the purposes of this set-aside, a city located in a county with a population in excess of three hundred thousand, if the city is contiguous to another city in the county and that other city is contiguous to the largest city in that county, shall be considered as having a population in excess of five thousand.

Sec. 3. Section 35A.3, Code 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 12. Provide training to executive directors of county commissions of veteran affairs pursuant to section 35B.6. The commission may adopt rules in accordance with chapter 17A to provide for training of county veteran affairs executive directors.

Sec. 4. Section 35B.6, subsection 1, paragraph b, Code 1993, is amended to read as follows:

b. Upon the employment of an executive director, the executive director shall complete a course of initial training provided by the ~~veterans affairs division of the department of public defense pursuant to section 29.4~~ commission of veterans affairs pursuant to section 35A.3. If an executive director is not appointed, a commissioner or a clerical assistant shall complete the course of training. The ~~division~~ commission shall issue the executive director, commissioner, or clerical assistant a certificate of training after completion of the initial training course. To maintain annual certification, the executive director, commissioner, or clerical assistant shall attend one ~~division~~ commission training course each year. Failure to maintain certification may be cause for removal from office. The expenses of training shall be paid from the appropriation authorized in section 35B.14.

Sec. 5. Section 87.11D, Code 1993, is amended to read as follows:

87.11D PAYMENT OF EXAMINATION EXPENSES BY THE SELF-INSURED EMPLOYER.

The commissioner of insurance, upon the completion of an examination, or at such regular intervals prior to completion as the commissioner determines, shall prepare an account of the costs incurred in performing and preparing the report of such examinations which shall be charged to and paid by the self-insured employer examined, and upon failure or refusal of any self-insured employer to pay such a charge, the amount of the charge may be recovered in an action brought in the name of the state, and the commissioner may also revoke the employer's exemption under section 87.11. All fees collected in connection with an examination shall be paid into the ~~insurancee division revolving~~ general fund.

Sec. 6. Section 99D.15, subsection 3, paragraph c, Code 1993, is amended to read as follows:

c. If the rate of tax imposed under paragraph "a" is six percent, five percent, or four percent, a licensee shall set aside for retiring any debt of the licensee, for capital improvement to the facilities of the licensee, for funding of possible future operating losses, or for charitable giving, the following amount:

(1) If the rate of tax paid by the ~~track~~ licensee is six percent, one-sixth of the tax liability by the ~~track~~ licensee during the racing season shall be set aside.

(2) If the rate of tax paid by the licensee is five percent, one percent of the gross sum wagered in the racing season shall be set aside.

(3) If the rate of tax paid by the licensee is four percent, two percent of the gross sum wagered in the racing season shall be set aside.

Sec. 7. Section 124.401, subsection 1, paragraph d, Code 1993, is amended to read as follows:

d. Violation of this subsection, with respect to any other controlled substances, counterfeit substances, or simulated controlled substances classified in schedule IV or V is an aggravated misdemeanor. However, violation of this subsection involving ~~less than~~ less than fifty kilograms or less of marijuana, is a class "D" felony, and in addition to the provisions of section 902.9, subsection 4, shall be punished by a fine of not less than one thousand dollars nor more than five thousand dollars.

Sec. 8. Section 161A.42, subsection 11, Code 1993, is amended to read as follows:

11. "Soil loss limit" means the maximum amount of soil loss due to erosion by water or wind, expressed in terms of tons per acre per year, which the commissioners of the respective soil and water conservation districts determine is acceptable in order to meet the objectives expressed in section ~~467D.1~~ 161A.2.

Sec. 9. Section 218.86, Code 1993, is amended to read as follows:

218.86 ABSTRACT OF CLAIMS.

~~When vouchers~~ Vouchers for expenditures other than salaries have been duly audited as ~~provided for in section 421.31~~ said audited vouchers shall be submitted to the director of revenue and finance, who shall ~~therefrom~~ prepare in triplicate an abstract of claims submitted showing the name of the claimant, and the institutions and institutional fund ~~thereof~~ on account of which the payment is made. ~~Said~~ The claims and abstracts of claims shall then be returned to ~~such~~ the director of the department of human services where the correctness of ~~said~~ the abstracts shall then be certified by the director. The original abstract shall then be delivered to the director of revenue and finance, the duplicate to be retained in the office of ~~such~~ the director of the department of human services and the triplicate forwarded to the proper institution to be retained ~~there~~ as a record of claims paid.

Sec. 10. Section 421.31, subsection 9, Code 1993, is amended by striking the subsection.

Sec. 11. Section 422.4, subsection 1, paragraph d, Code 1993, is amended to read as follows:

d. Notwithstanding the computation of the annual inflation factor under paragraph "a", the annual inflation factor is one hundred percent for any calendar year in which the unobligated state general fund balance on June 30 as certified by the director of ~~revenue and finance~~ the department of management by October 10, is less than sixty million dollars.

Sec. 12. Section 422A.2, subsections 1 and 2, Code 1993, are amended to read as follows:

1. There is created in the ~~office of the treasurer of state~~ department of revenue and finance a local transient guest tax fund which shall consist of all moneys credited to such fund under section 422A.1.

2. All moneys in the local transient guest tax fund shall be remitted at least quarterly by the ~~treasurer of state~~ department of revenue and finance, pursuant to rules of the director of revenue and finance, to each city in the amount collected from businesses in that city and to each county in the amount collected from businesses in the unincorporated areas of the county.

Sec. 13. Section 542B.2, unnumbered paragraph 3, Code 1993, is amended to read as follows:

The term ~~"engineer-in-training"~~ "engineer intern" as used in this chapter shall ~~mean~~ means a person who passes an examination in the fundamental engineering subjects, but shall ~~does~~ not entitle the person to claim to be a professional engineer.

Sec. 14. Section 542B.14, subsection 1, paragraph b, Code 1993, is amended to read as follows:

b. Successfully passing a written, oral, or written and oral examination in fundamental engineering subjects which is designed to show the knowledge of general engineering principles. A person passing the examination in fundamental engineering subjects will be is entitled to a certificate as an ~~engineer-in-training~~ engineer intern.

Sec. 15. Section 713.3, Code 1993, is amended to read as follows:

713.3 BURGLARY IN THE FIRST DEGREE.

A person commits burglary in the first degree if, while perpetrating a burglary in or upon an occupied structure in which one or more persons are present, the person has possession of an explosive or incendiary device or material, or a dangerous weapon, or intentionally or recklessly inflicts bodily injury on any person. Burglary in the first degree is a class "B" felony.

Sec. 16. Section 713.4, Code 1993, is amended to read as follows:

713.4 ATTEMPTED BURGLARY IN THE FIRST DEGREE.

A person commits attempted burglary in the first degree if, while perpetrating an attempted burglary in or upon an occupied structure in which one or more persons are present, the person has possession of an explosive or incendiary device or material, or a dangerous weapon, or intentionally or recklessly inflicts bodily injury on any person. Attempted burglary in the first degree is a class "C" felony.

Sec. 17. Section 713.5, Code 1993, is amended to read as follows:

713.5 BURGLARY IN THE SECOND DEGREE.

A person commits burglary in the second degree in either of the following circumstances:

1. While perpetrating a burglary in or upon an occupied structure in which no persons are present, the person has possession of an explosive or incendiary device or material, or a dangerous weapon, or a bodily injury results to any person.

2. While perpetrating a burglary in or upon an occupied structure in which one or more persons are present, the person does not have possession of an explosive or incendiary device or material, nor a dangerous weapon, and no bodily injury is caused to any person.

Burglary in the second degree is a class "C" felony.

Sec. 18. Section 713.6, Code 1993, is amended to read as follows:

713.6 ATTEMPTED BURGLARY IN THE SECOND DEGREE.

A person commits attempted burglary in the second degree in either of the following circumstances:

1. While perpetrating an attempted burglary in or upon an occupied structure in which no persons are present, the person has possession of an explosive or incendiary device or material, or a dangerous weapon, or a bodily injury results to any person.

2. While perpetrating an attempted burglary in or upon an occupied structure in which one or more persons are present, the person does not have possession of an explosive or incendiary device or material, nor a dangerous weapon, and no bodily injury is caused to any person.

Attempted burglary in the second degree is a class "D" felony.

DIVISION II – NEW SUBMISSIONS

Sec. 19. Section 2B.12, subsection 7, paragraph a, Code 1993, is amended to read as follows:

a. All of the statutes of Iowa of a general and permanent nature which were enacted or amended during that session, except as provided in subsection 3, and an indication of all sections repealed during that session, and any amendments to the Constitution of the State of Iowa passed by the general assembly in that session approved by the voters at the preceding general election.

Sec. 20. Section 13B.4, subsection 6, Code Supplement 1993, is amended to read as follows:

6. The state public defender shall report in writing to the general assembly on January 20 of each year regarding any funds recouped or collected for court-appointed attorney fees or expenses of a public defender pursuant to section 331.756, subsection 86 5, or section 602.8107 during the previous calendar year.

Sec. 21. Section 321L.5, subsection 2, Code 1993, is amended to read as follows:

2. A handicapped parking space designated after July 1, 1990, shall be in accordance comply with the dimension requirements of 36 C.F.R. § 1190.31 specified in rules adopted by the department of public safety and in effect when the spaces are designated. The department shall adopt accepted national standards for dimensions of handicapped spaces, consistent with the requirements of federal law. However, these dimension requirements do not apply to parallel on-street parking spaces.

Sec. 22. Section 421.17, subsection 1, Code Supplement 1993, is amended to read as follows:

1. To have and exercise general supervision over the administration of the assessment and tax laws of the state, over boards of supervisors and all other officers or boards of assessment

and levy in the performance of their official duties, in all matters relating to assessments and taxation, to the end that all assessments of property and taxes levied ~~thereon~~ on the property be made relatively just and uniform in substantial compliance with the law.

Sec. 23. Section 421.17, subsection 2, unnumbered paragraphs 2 and 3, Code Supplement 1993, are amended to read as follows:

The director may order the reassessment of all or part of the property in any ~~taxing district~~ assessing jurisdiction in any year. Such reassessment shall be made by the local assessor according to law under the direction of the director and the cost ~~thereof~~ of making the assessment shall be paid in the same manner as the cost of making an original assessment.

The director shall determine the degree of uniformity of valuation as between the various ~~taxing districts~~ assessing jurisdictions of the state and shall have the authority to employ competent personnel for the purpose of performing this duty.

Sec. 24. Section 421.17, subsections 15 and 17, Code Supplement 1993, are amended by striking the subsections.

Sec. 25. Section 421.20, unnumbered paragraph 1, Code 1993, is amended to read as follows:

The director of revenue and finance may bring actions of mandamus or injunction or any other proper actions in the district court to compel the performance of any order made by the director or to require any board ~~of equalization~~ or any other officer or person to perform any duty required by this chapter. The director shall commence an action only in the district court in the county in which the defendant or defendants in the action perform their official duties.

Sec. 26. Section 422.35, subsection 9, Code 1993, is amended by striking the subsection.

Sec. 27. Section 422.42, subsection 12, unnumbered paragraph 2, Code 1993, is amended to read as follows:

For the purposes of this subsection, the sale of carpeting is not a sale of building materials. The sale of carpeting to owners, contractors, subcontractors, or builders shall be treated as the sale of ordinary tangible personal property and subject to the tax imposed under section 422.43, subsection 1, and the tax imposed under section 423.2.

Sec. 28. Section 423.1, subsection 8, Code Supplement 1993, is amended to read as follows:

8. "Retailer maintaining a place of business in this state" or any like term includes any retailer having or maintaining within this state, directly or by a subsidiary, an office, distribution house, sales house, warehouse, or other place of business, or any agent operating within this state under the authority of the retailer or its subsidiary, irrespective of whether such place of business or agent is located here permanently or temporarily, or whether the retailer or subsidiary is admitted to do business within this state pursuant to chapter 490.

Sec. 29. Section 423.22, Code Supplement 1993, is amended to read as follows:

423.22 REVOKING PERMITS.

If a retailer maintaining a place of business in this state, or authorized to collect the tax imposed pursuant to section 423.10, fails to comply with any of the provisions of this chapter or any orders or rules prescribed and adopted under this chapter, or is substantially delinquent in the payment of a tax administered by the department or the interest or penalty on the tax, or if the person is a corporation and if any officer having a substantial legal or equitable interest in the ownership of the corporation owes any delinquent tax of the permit-holding corporation, or interest or penalty on the tax, administered by the department, the director may, upon notice and hearing as provided, by order revoke the permit, if any, issued to the retailer under section 422.53, or if the retailer is a corporation authorized to do business in this state under chapter 490, may certify to the secretary of state a copy of an order finding

that the retailer has failed to comply with specified provisions, orders, or rules. The secretary of state shall, upon receipt of the certified copy, revoke the permit authorizing the corporation to do business in this state, and shall issue a new permit only when the corporation has obtained from the director an order finding that the corporation has complied with its obligations under this chapter. No order authorized in this section shall be made until the retailer is given an opportunity to be heard and to show cause why the order should not be made, and the retailer shall be given ten days' notice of the time, place, and purpose of the hearing. The director may issue a new permit pursuant to section 422.53 after revocation. The preceding provision applies to users and persons supplying services enumerated in section 422.43.

Sec. 30. Section 499.45, Code Supplement 1993, is amended to read as follows:
499.45 FEES.

The following fees A fee of twenty dollars shall be paid to the secretary of state:

1. Upon upon filing articles of incorporation, amendments, or renewals thereof, ten dollars for authorized capital stock up to twenty-five thousand dollars, and one dollar per one thousand dollars or fraction in excess thereof; or ten dollars if there be no capital stock.
2. Upon filing amendments, one dollar, and if authorized capital stock is increased to an amount exceeding twenty-five thousand dollars, an additional fee of one dollar per thousand dollars or fraction of such excess.
3. Upon filing all articles, renewals, or amendments, a recording fee of fifty cents per page.

Sec. 31. Section 554.9403, subsection 5, Code Supplement 1993, is amended to read as follows:

5. The uniform fee for filing and indexing and for stamping a copy furnished by the secured party to show the date and place of filing shall be as follows:

a. Ten dollars for an original financing statement if the statement is in the standard form prescribed by the secretary of state, and otherwise twelve dollars. However, if the original financing statement is filed electronically in the office of the secretary of state, the fee shall be eight dollars if the statement is in the standard form prescribed by the secretary of state, and otherwise twelve dollars.

b. Ten dollars for a continuation statement if the statement is in the standard form prescribed by the secretary of state, and otherwise twelve dollars. However, if the continuation statement is filed electronically in the office of the secretary of state, the fee shall be eight dollars if the statement is in the standard form prescribed by the secretary of state, and otherwise twelve dollars.

DIVISION III – H.F. 669* COORDINATING AMENDMENTS

Sec. 32. Section 8.60, Code Supplement 1993, is amended to read as follows:

8.60 USE OF DESIGNATED MONEYS.

Moneys credited to or deposited in the general fund of the state on or after July 1, 1993, which under law were previously collected to be used for specific purposes, or to be credited to, or be deposited to a particular account or fund shall only be used for the purposes for which the moneys were collected, including but not limited to moneys collected in accordance with any of the following provisions:

1. Pari-mutuel regulation fund created in section 99D.17, Code Supplement 1993.
2. Gamblers assistance fund pursuant to section 99E.10, subsection 1, Code Supplement 1993.
3. Excursion boat gambling special account pursuant to section 99F.4, subsection 2, Code Supplement 1993.
4. Milk fund created in section 192.111, Code Supplement 1993.
5. Dairy trade practices trust fund pursuant to section 192A.30, Code Supplement 1993.
6. Commercial feed fund created in section 198.9, Code Supplement 1993.
7. Fertilizer fund created in section 200.9, Code Supplement 1993.
8. Pesticide fund created in section 206.12, Code Supplement 1993.
9. Motor vehicle fraud account pursuant to section 312.2, subsection 13, Code Supplement 1993.

10. Public transit assistance fund pursuant to section 312.2, subsection 15, and section 324A.6, Code Supplement 1993.
11. Salvage vehicle fee paid to the Iowa law enforcement academy pursuant to section 321.52, Code Supplement 1993.
12. Railroad assistance fund created in section 327H.18, Code Supplement 1993.
13. Special railroad facility fund created in section 327I.23, Code Supplement 1993.
14. State aviation fund created in section 328.36, Code Supplement 1993.
15. Marine fuel tax fund created in section 452A.79, Code Supplement 1993.
16. Public outdoor recreation and resources fund pursuant to section 461A.79, Code Supplement 1993.
17. Energy research and development ~~account~~ fund created in section 473.11, Code Supplement 1993.
18. Utilities trust fund created in section 476.10, Code Supplement 1993.
19. Banking revolving fund created in section 524.207, Code Supplement 1993.
20. Credit union revolving fund created in section 533.67, Code Supplement 1993.
21. Professional licensing revolving fund created in section 546.10, Code Supplement 1993.
22. ~~Administrative services trust fund~~ created in section 546.11.

Sec. 33. Section 99D.17, Code Supplement 1993, is amended to read as follows:
99D.17 USE OF FUNDS.

Funds received pursuant to sections 99D.14 and 99D.15 shall be deposited in the pari-mutuel regulation fund created in the racing and gaming commission general fund of the state and shall be subject to the requirements of section 8.60. These funds shall first be used to the extent appropriated by the general assembly. ~~The remainder shall be transferred to the treasurer of state to be deposited in the general fund of the state.~~ The commission is subject to the budget requirements of chapter 8 and the applicable auditing requirements and procedures of chapter 11.

~~Notwithstanding the provisions of this section directing that funds received be deposited into the pari-mutuel regulation fund, beginning on July 1, 1991, all funds received shall be deposited into the general fund of the state.~~

Sec. 34. Section 99E.10, subsection 1, paragraph a, Code Supplement 1993, is amended by striking the paragraph and inserting in lieu thereof the following:

a. An amount equal to one-half of one percent of the gross lottery revenue shall be deposited in the general fund of the state and shall be subject to the requirements of section 8.60. In each fiscal year the first seven hundred fifty thousand dollars of the moneys under this paragraph shall be appropriated to and shall be administered by the director of human services and used to provide assistance and counseling to individuals and families experiencing difficulty as a result of gambling losses and to promote awareness of "gamblers anonymous" and similar assistance programs.

Sec. 35. Section 99F.4, subsection 2, Code Supplement 1993, is amended to read as follows:

2. To license qualified sponsoring organizations, to license the operators of excursion gambling boats, to identify occupations within the excursion gambling boat operations which require licensing, and to adopt standards for licensing the occupations including establishing fees for the occupational licenses and licenses for qualified sponsoring organizations. The fees shall be paid to the commission and deposited in a ~~special account~~ of the general fund of the state. All revenue received by the commission under this chapter from license fees and admission fees shall be deposited in the special account in the general fund of the state and shall be subject to the requirements of section 8.60.

~~Notwithstanding the provisions of this subsection and sections 99F.10 and 99F.17 directing that all license and admission fees be paid to the commission or be deposited into a special account, beginning on July 1, 1991, all fees shall be deposited into the general fund of the state.~~

Sec. 36. Section 99F.11, subsection 3, Code 1993, is amended to read as follows:

3. Three percent of the adjusted gross receipts shall be deposited in the gamblers assistance fund specified in section 99E.10, subsection 1, paragraph "a" general fund of the state and shall be subject to the requirements of section 8.60.

Sec. 37. Section 99F.17, subsection 1, Code 1993, is amended to read as follows:

1. A manufacturer or distributor of gambling games or implements of gambling shall annually apply for a license upon a form prescribed by the commission before the first day of April in each year and shall submit the appropriate license fee. An applicant shall provide the necessary information as the commission requires. The license fee for a distributor is one thousand dollars, and the license fee for a manufacturer is two hundred fifty dollars. The license fees shall be credited to the special account general fund of the state as provided for in section 99F.4, subsection 2.

Sec. 38. Section 192.111, subsection 3, Code Supplement 1993, is amended to read as follows:

3. a. Fees collected under this section and moneys appropriated to the department for dairy control shall be deposited in the milk fund which is established in the office of the treasurer of state sections 192.133, 194.14, 194.19, 194.20, and 195.9 shall be deposited in the general fund of the state. All moneys deposited in the milk fund under this section are appropriated to the department for the costs of inspection, sampling, analysis, and other expenses necessary for the administration of this chapter and chapters 194 and 195, and shall be subject to the requirements of section 8.60. All moneys in the milk fund are subject to audit by the auditor of state. The milk fund is subject at all times to warrants by the director of revenue and finance, drawn upon written requisition of the secretary. Notwithstanding section 8.33, moneys, including interest earned, in the milk fund shall remain from year to year and shall not revert to the general fund.

b. In each fiscal year, the secretary shall calculate the balance of funds deposited under this section by subtracting all moneys expended for the costs of inspection, sampling, analysis and other expenses necessary for the administration of this chapter and chapters 194 and 195. If there is an unenumerated the calculation shows a balance of funds in the milk fund deposited under this section on June 30 of any fiscal year equal to or exceeding one hundred fifty thousand dollars, the secretary shall reduce the fees provided for in subsection 2 of this section and section 194.20 for the next fiscal year in an amount which will result in an ending estimated balance of such funds for June 30 of the next fiscal year of one hundred fifty thousand dollars.

e. Notwithstanding the provisions of paragraph "a", and sections 192.133, 194.14, 194.19, 194.20, and 195.9 directing that fees collected and appropriations made for dairy control be deposited into the milk fund, beginning on July 1, 1991, all fees collected under those sections shall be deposited into the general fund of the state. All moneys deposited in the general fund under this section shall be appropriated for the costs of inspection, sampling, analysis, and other expenses necessary for the administration of this chapter and chapters 194 and 195. Such appropriations shall not be deposited into the milk fund.

Sec. 39. Section 192.133, Code 1993, is amended to read as follows:

192.133 LICENSE TERM — FEES.

A license, unless earlier revoked, is valid until July 1 after the date of its issuance. The maximum fee for a license is twenty-five dollars, which shall be paid before the license is issued, and standard test bottles and pipettes shall be furnished at actual cost. Fees collected under this section shall be deposited in the milk fund established and used as required in section 192.111.

Sec. 40. Section 192A.30, unnumbered paragraph 2, Code Supplement 1993, is amended to read as follows:

Notwithstanding the provisions of this section, fees Fees paid to the secretary shall not be deposited into the dairy trade practices trust fund beginning on July 1, 1991, but shall be deposited into the general fund of the state and shall be subject to the requirements of section 8.60.

Sec. 41. Section 194.14, Code 1993, is amended to read as follows:

194.14 LICENSE TERM — FEES.

A milk grader's license, unless sooner revoked, is valid until July 1 after the date of issuance. The maximum fee for each license is ten dollars, which shall be paid before the license is issued. Fees collected under this section shall be deposited in the milk fund established and used as required in section 192.111.

Sec. 42. Section 194.19, Code 1993, is amended to read as follows:

194.19 LICENSES FOR COLLECTION VEHICLES — FEES.

A vehicle used for the collection of milk for manufacture of dairy products shall first be licensed by the department. A license, unless earlier revoked, is valid until July 1 after the date of its issuance. The maximum fee for a license is twenty-five dollars, which shall be paid before the license is issued. A fee shall not be imposed under this section if the vehicle or its operator has paid the fee imposed upon milk haulers under section 192.111. Fees collected under this section shall be deposited in the milk fund established and used as required in section 192.111. This section does not apply to individuals transporting their own dairy products.

By applying for said the license, the applicant consents to abide by all laws set forth in this chapter and the rules and regulations which may be promulgated to implement these laws in the case of all milk obtained from Iowa producers for manufacture of dairy products.

The provisions of section 189.28 shall not apply to milk for manufacture of dairy products.

Sec. 43. Section 194.20, Code 1993, is amended to read as follows:

194.20 INSPECTION FEES — GRADE "B" MILK.

A purchaser of milk from a grade "B" milk producer shall pay an inspection fee not greater than one-half cent per hundredweight. The fee is payable monthly to the department at a time prescribed by the department. Fees collected under this section shall be deposited in the milk fund established and used as required in section 192.111.

Sec. 44. Section 195.9, Code 1993, is amended to read as follows:

195.9 LICENSE TERM — FEES.

A license, unless sooner revoked, is valid until July 1 after the date of its issuance. The maximum fee for a license is twenty-five dollars which shall be paid before the license is issued. Fees collected under this section shall be deposited in the milk fund established and used as required in section 192.111.

Sec. 45. Section 198.9, subsection 3, Code Supplement 1993, is amended to read as follows:

3. Fees collected shall constitute a fund be deposited in the general fund of the state and shall be subject to the requirements of section 8.60. Moneys deposited under this section shall be used for the payment of the costs of inspection, sampling, analysis, supportive research, and other expenses necessary for the administration of this chapter.

If there is an unencumbered balance of funds in the commercial feed fund from the fees deposited under this section on June 30 of any fiscal year equal to or exceeding one hundred thousand dollars, the secretary of agriculture shall reduce the per ton fee provided for in subsection 1 for the next fiscal year in such amount as will result in an ending estimated balance of the fees deposited less costs paid for from those fees for June 30 of the next fiscal year of one hundred thousand dollars.

The secretary shall publish a report not later than September 1 of each year. The report shall provide a detailed accounting of all sources of revenue deposited under and all dispositions of funds utilized by the commercial feed trust fund expended under this section. The report shall detail full-time equivalent positions used in fulfilling the requirements of this chapter. The report shall also indicate to what extent any full-time equivalent positions are shared with other programs. Copies of the report issued by the secretary pursuant to this subsection shall be delivered each year to the members of the house of representatives and senate standing committees on agriculture.

~~Notwithstanding the provisions of this subsection directing that fees collected be deposited into the commercial feed fund, beginning on July 1, 1991, all fees collected shall be deposited into the general fund of the state.~~

Sec. 46. Section 200.8, subsection 3, Code 1993, is amended to read as follows:

3. ~~If there is an unencumbered balance of funds in the fertilizer fund from the amount of the fees deposited in the general fund pursuant to sections 200.9 and 201.13 on June 30 of any fiscal year equal to or exceeding three hundred fifty thousand dollars, the secretary of agriculture shall reduce the per ton fee provided for in subsection 1 and the annual license fee established pursuant to section 201.3 for the next fiscal year in such amount as will result in an ending estimated balance of such funds for June 30 of the next fiscal year of three hundred fifty thousand dollars.~~

Sec. 47. Section 200.9, Code Supplement 1993, is amended to read as follows:

200.9 FERTILIZER FUND FEES.

~~Fees collected for licenses and inspection fees under sections 200.4 and 200.8, with the exception of those fees collected for deposit in the agriculture management account of the groundwater protection fund, shall be deposited in the treasury to the credit of the fertilizer fund to general fund of the state and shall be subject to the requirements of section 8.60. Moneys deposited under this section to the general fund shall be used only by the department for the purpose of inspection, sampling, analysis, preparation, and publishing of reports and other expenses necessary for administration of this chapter. The secretary may assign moneys to the Iowa agricultural experiment station for research, work projects, and investigations as needed for the specific purpose of improving the regulatory functions for enforcement of this chapter.~~

~~Notwithstanding the provisions of this section and section 201.13 directing that those fees collected under sections 200.4 and 200.8 and moneys received under chapter 201 be deposited into the fertilizer fund, beginning on July 1, 1991, all such fees and moneys shall be deposited into the general fund of the state. Moneys received under chapter 201 and deposited into the general fund of the state as a result of this paragraph are appropriated for purposes of section 201.13.~~

Sec. 48. Section 201.13, Code 1993, is amended to read as follows:

201.13 MONEYS TO FERTILIZER GENERAL FUND — PERIODIC REPORT.

~~The moneys received under this chapter shall be deposited in the fertilizer fund as established pursuant to chapter 200, to general fund of the state and shall be subject to the requirements of section 8.60. Moneys deposited under this section shall be used by the department of agriculture and land stewardship only for the purpose of inspection, sampling, analyzing, preparing and publishing of reports, and other expenses necessary for the administration of this chapter. The secretary shall issue an annual report showing a statement of moneys received from license and testing fees, and a biennial report which shall be made available to the public showing the certifications of the effective calcium carbonate equivalent for all agricultural lime, limestone, or aglime certified as provided in this chapter. The report shall list the manufacturers and producers and their locations. Copies of all reports issued by the secretary pursuant to this section shall be sent to the members of the house of representatives and senate standing committees on agriculture.~~

Sec. 49. Section 206.12, subsection 3, Code Supplement 1993, is amended to read as follows:

3. The registrant, before selling or offering for sale any pesticide for use in this state, shall register each brand and grade of such pesticide with the secretary upon forms furnished by the secretary, and the secretary shall set the registration fee annually at one-fifth of one percent of gross sales within this state with a minimum fee of two hundred fifty dollars and a maximum fee of three thousand dollars for each and every brand and grade to be offered for sale in this state except as otherwise provided. The annual registration fee for products with gross annual sales in this state of less than one million five hundred thousand dollars shall

be the greater of two hundred fifty dollars or one-fifth of one percent of the gross annual sales as established by affidavit of the registrant. The secretary shall adopt by rule exemptions to the minimum fee. Fifty dollars of each fee collected shall be deposited in the treasury to the credit of the pesticide fund to general fund of the state, shall be subject to the requirements of section 8.60, and shall be used only for the purpose of enforcing the provisions of this chapter and the remainder of each fee collected shall be placed in the agriculture management account of the groundwater protection fund.

~~Notwithstanding the provisions of this subsection directing that fifty dollars of each fee collected be deposited into the pesticide fund, beginning on July 1, 1991, fifty dollars of each fee collected shall be deposited into the general fund of the state.~~

Sec. 50. Section 312.2, subsections 13 and 15, Code Supplement 1993, are amended to read as follows:

13. The treasurer of state, before making the allotments provided for in this section, shall credit annually to the department of justice general fund of the state from revenues credited to the road use tax fund under section 423.24, subsection 1, paragraph "d", an amount equal to twenty-five cents on each title issuance for motor vehicle fraud law enforcement and prosecution purposes including, but not limited to, the enforcement of state and federal odometer laws. Moneys deposited to the general fund under this subsection are subject to the requirements of section 8.60.

~~Notwithstanding the provisions of this subsection directing that twenty-five cents on each title issuance be annually credited to the department of justice for deposit into the motor vehicle fraud account, beginning on July 1, 1991, the twenty-five cents on each title issuance shall be deposited into the general fund of the state.~~

15. The treasurer of state, before making the allotments provided for in this section, shall credit monthly from the road use tax fund to the public transit assistance fund, created under section 324A.6, general fund of the state from revenue credited to the road use tax fund under section 423.24, subsection 1, paragraph "d", an amount equal to one-twentieth of eighty percent of the revenue from the operation of section 423.7.

~~Notwithstanding the provisions of this subsection directing that one-twentieth of eighty percent of the revenue derived from the operation of section 423.7, be deposited into the public transit assistance fund, beginning on July 1, 1991, such amount shall be deposited into the general fund of the state. There is appropriated from the general fund of the state for each fiscal year to the state department of transportation the amount of revenues credited to the general fund of the state during the fiscal year under this subsection to be used for purposes of public transit assistance under chapter 324A.~~

Sec. 51. Section 321.52, subsection 4, paragraph c, Code Supplement 1993, is amended to read as follows:

c. A salvage theft examination shall be made by a peace officer who has been specially certified and recertified when required by the Iowa law enforcement academy to do salvage theft examinations. The Iowa law enforcement academy shall determine standards for training and certification, conduct training, and may approve alternative training programs which satisfy the academy's standards for training and certification. The owner of the salvage vehicle shall make the vehicle available for examination at a time and location designated by the peace officer doing the examination. The owner may obtain a permit to drive the vehicle to and from the examination location by submitting a repair affidavit to the agency performing the examination stating that the vehicle is reasonably safe for operation and listing the repairs which have been made to the vehicle. The owner must be present for the examination and have available for inspection the salvage title, bills of sale for all essential parts changed, and the repair affidavit. The examination shall be for the purposes of determining whether the vehicle or repair components have been stolen. The examination is not a safety inspection and a signed salvage theft examination certificate shall not be construed by any court of law to be a certification that the vehicle is safe to be operated. There shall be no cause of action against the

peace officer or the agency conducting the examination or the county treasurer for failure to discover or note safety defects. If the vehicle passes the theft examination, the peace officer shall indicate that the vehicle passed the theft examination on the salvage theft examination certificate. The permit and salvage theft examination certificate shall be on controlled forms prescribed and furnished by the department. The owner shall pay a fee of thirty dollars upon completion of the examination. The agency performing the examinations shall retain twenty dollars of the fee and shall pay five dollars of the fee to the department and five dollars of the fee to the treasurer of state for deposit in the general fund of the state. Moneys deposited to the general fund under this paragraph are subject to the requirements of section 8.60 and shall be used by the Iowa law enforcement academy to provide for the special training, certification, and recertification of officers as required by this subsection.

The provision of this subsection requiring a salvage theft examination by a peace officer specially certified or recertified by the Iowa law enforcement academy to do salvage theft examinations shall become effective July 1, 1989. Salvage theft examinations conducted before July 1, 1989, shall be made by peace officers authorized to do so by the state department of transportation or the department of public safety who are qualified, as determined by those agencies, to conduct salvage theft examinations. The state department of transportation shall adopt rules in accordance with chapter 17A to carry out this section, including transition rules allowing for salvage theft examinations prior to July 1, 1989.

~~Notwithstanding the provisions of this lettered paragraph directing that five dollars of each fee be paid to the Iowa law enforcement academy, beginning on July 1, 1991, such five dollars shall be deposited into the general fund of the state.~~

Sec. 52. Section 324A.6, subsections 1 and 4, Code Supplement 1993, are amended to read as follows:

1. ~~There is established a public transit assistance fund in the office of the treasurer of state. Moneys in this fund appropriated for purposes of public transit assistance under this chapter shall be expended for providing assistance to public transit for the development, improvement, and maintenance of public transit systems. Unencumbered moneys appropriated by the general assembly for the implementation of a state assistance plan shall be deposited in the public transit assistance fund. Moneys received by the department by agreements, grants, gifts, or other means from individuals, companies or other business entities, or cities and counties for the purposes stated in this section shall be credited to the public transit assistance general fund of the state.~~

~~Notwithstanding the provisions of this section and section 312.2, subsection 15, directing that moneys be deposited into the public transit assistance fund, beginning on July 1, 1991, all such moneys under these sections shall be deposited into the general fund of the state. There is appropriated from moneys Moneys received by the department by agreements, grants, gifts, or other means and deposited into the state general fund as a result of this paragraph subsection are appropriated to the department for purposes of this subsection. Moneys appropriated from the general fund under this paragraph and section 312.2, subsection 15, shall not be deposited into the public transit assistance fund.~~

4. ~~Moneys deposited in the public transit assistance fund are not subject to sections 8.33 and 8.39.~~

Sec. 53. Section 327H.18, Code Supplement 1993, is amended to read as follows:

327H.18 RAILROAD ASSISTANCE FUND ESTABLISHED.

~~There is established a railroad assistance fund in the office of the treasurer of state. Moneys in this fund provided to the department for railroad assistance under this chapter shall be expended for providing assistance for the restoration, conservation, improvement, and construction of railroad main lines, branch lines, switching yards and sidings. Any unencumbered funds appropriated by the general assembly for branch line railroad assistance shall be deposited in the railroad assistance fund. However, not more than twenty percent of the funds appropriated to the department for railroad assistance fund from the general fund of the state in any~~

fiscal year shall be used for restoration, conservation, improvement, and construction of railroad main lines, switching yards and sidings. Any moneys received by the department by agreements, grants, gifts, or other means from individuals, companies, business entities, cities, or counties for the purposes of this section shall be credited to the railroad assistance general fund of the state.

Notwithstanding the provisions of Moneys received by or reimbursements made to the department pursuant to this section and sections 327I.7, subsection 14, and 327H.20 directing that moneys received or reimbursements made be deposited into the railroad assistance fund, beginning on July 1, 1991, such moneys shall be deposited into the general fund of the state and all moneys received by the department by agreements, grants, gifts, or other means which were deposited into the state general fund as a result of this paragraph section are appropriated for state railroad assistance under this chapter. Such appropriations shall not be deposited into the railroad assistance fund Moneys deposited into the general fund of the state pursuant to this section are subject to the requirements of section 8.60.

Sec. 54. Section 327H.20, Code 1993, is amended to read as follows:

327H.20 ASSISTANCE AGREEMENTS.

The department may enter into agreements with railroad corporations, the United States government, cities, counties, and other persons for carrying out the purposes of this chapter. Agreements entered into between the department and railroad corporations under this section may require a railroad corporation to reimburse all or part of the costs paid from the railroad assistance fund funds provided by the department from revenue derived from all railroad cars and traffic using the main line, branch line, switching yard or sidings defined in the agreement. An agreement which does not require the repayment of railroad assistance funds used for rehabilitation projects shall require the railroad corporation to establish and maintain a separate corporation account to which an amount equal to all or part of the costs paid from the railroad assistance fund funds provided by the department shall be credited from revenue derived from all railroad cars and traffic using the main line, branch line, switching yard, or siding defined in the agreement. Credits to the corporation account by the railroad corporation may be used for the restoration, conservation, improvement, and construction of the railroad corporation's main line, branch lines, switching yards, and sidings within the state. The agreement shall stipulate the terms and conditions governing the use of credits to the corporation account as well as a penalty for the use of the account in a manner other than as provided in the agreement.

With the department's approval, a city may appropriate money from its general fund to the railroad assistance fund department. The department may agree to pay partial or total reimbursement to a city or county which appropriates money to the railroad assistance fund department. Money appropriated to the railroad assistance fund department from a city or county shall be used only as provided in section 327H.18 and within the city or county providing the money.

Moneys appropriated to the department by a city, county, or railroad district which are unexpended or unobligated following the expiration of an agreement shall be repaid to the city, county, or railroad district.

Sec. 55. Section 327H.21, Code 1993, is amended to read as follows:

327H.21 FEDERAL FUNDS.

The department may accept federal funds to carry out the purposes of this chapter. All federal funds received under this section and all interest and earnings on federal funds received under this section are appropriated for the purposes set forth in the federal grants.

Sec. 56. Section 327H.25, Code 1993, is amended to read as follows:

327H.25 TRANSFER OF DUTIES ENERGY POLICY COUNCIL AGREEMENTS.

The administration of the railroad assistance fund shall be transferred from the energy policy council to the department not later than July 1, 1976. All agreements for railroad assistance entered into by the energy policy council with railroads and other persons shall be carried out by the department.

Sec. 57. Section 327I.4, subsections 11 and 15, Code 1993, are amended to read as follows:

11. "Pledged receipts" means the revenues and receipts received or to be received by the authority from the lease, operation or sale or disposition of railway facilities; from loan or other agreements relating to financial assistance; from grants, gifts or payments on guarantees made to the authority by any person; from accrued interest received from the sale of obligations; from income from the investment of special funds of the authority, ~~including the special railroad facility fund~~; from the revenues and receipts deposited in the special railroad facility fund; and from any other moneys which are available for the payment of bond service charges.

15. "~~Special railroad facility fund~~" means the fund created in ~~section 327I.23~~.

Sec. 58. Section 327I.7, subsections 14, 20, and 21, Code 1993, are amended to read as follows:

14. Extend financial assistance for the purpose of providing for project costs. Make interest-free loans for rehabilitation of railway tracks, roadbeds, or trestles to persons which have repaid in part the original loan from the authority which was made for the purpose of the acquisition or rehabilitation of railway tracks, roadbeds, or trestles. However, an interest-free loan to a person shall not exceed the amount repaid of the original loan made to that person and one-half of the amount of the interest-free loan repaid to the authority shall be credited to the ~~railroad assistance general fund established in section 327H.18 of the state~~.

20. ~~Pledge any funds contained in the special railroad facility fund to the payment of and as security for obligations issued under this chapter.~~

21. ~~Invest moneys in the special railroad facility fund in general or limited partnership interests in a partnership formed to purchase, renovate, and operate a railway facility.~~

Sec. 59. Section 327I.9, unnumbered paragraph 1, Code 1993, is amended to read as follows:

Except as provided in this chapter, all obligations are payable solely out of the pledged receipts as designated in the bond proceedings. Tax funds which the authority receives from a political subdivision of the state shall not be pledged for payment of the obligations. Except for those tax funds deposited in the ~~special railroad facility general fund of the state~~ as provided in section 327I.23, subsection 2, or other tax funds available pursuant to section 327I.26, the state shall not appropriate tax funds, directly or indirectly, to the authority for the purpose of payment of obligations of the authority. Obligations shall be authorized by resolution of the board and bond proceedings shall provide for the purpose of the obligations, the principal amount, the principal maturity or maturities, not exceeding twenty-five years from the date of issuance, the interest rate or rates or the maximum interest rate, the date of the obligations and the dates of payment of interest on them, their denomination, and the establishment within or without the state of a place or places of payment of bond service charges. As much as is practicable within the legal and fiscal limitations inherent in bond issuance, a portion of the bonds shall be issued in denominations of five thousand dollars and smaller, in order to allow smaller investors in the state to purchase the bonds.

Sec. 60. Section 327I.12, Code 1993, is amended to read as follows:

327I.12 PAYMENT OF OBLIGATIONS — NONLIABILITY OF STATE.

Obligations issued under this chapter, and judgments based on contract or tort arising from the activities of the authority or persons acting on its behalf, are not a debt or liability of the state or of any political subdivision within the meaning of any constitutional or statutory debt limitation and are not a pledge of the state's credit or taxing power within the meaning of any constitutional or statutory limitation or provision and no appropriation shall be made, directly or indirectly, by the state or any political subdivision of the state for the payment of the obligations or judgments or to fund any deficiency in the ~~special railroad facility fund~~ any special funds, or for the indemnification of a person subject to a judgment arising from that person's actions on the authority's behalf. These obligations and judgments are special obligations of the authority payable solely and only from the sources and special funds provided in this chapter. Funds from the general fund of the state shall not be used to pay interest or principal on obligations of the authority in the event that receipts from the taxes ~~designated for deposit in the special railroad facility fund~~ available as provided in section 327I.23,

subsection 2, and section 327I.26 are insufficient.

Sec. 61. Section 327I.23, subsections 1 and 2, Code Supplement 1993, are amended to read as follows:

1. There is created in the office of the state treasurer a "special railroad facility fund". This fund shall include moneys which by law may be credited to the special railroad facility fund. The moneys in the special railroad facility fund are appropriated to and for the purposes of the authority as provided in this chapter. The funds in the special railroad facility fund shall not be considered as a part of the general fund of the state, are not subject to appropriation for any other purpose by the general assembly, and in determining a general fund balance shall not be included in the general fund of the state but shall remain in the special railroad facility fund to be used for the purposes set forth in this section. The treasurer of state shall act as custodian of the fund and disburse amounts contained in it as directed by the authority. The treasurer of state is authorized to invest the funds deposited in the special railroad facility fund at the direction of the authority and subject to any limitations contained in the bond proceedings. The income from the investment shall be credited to and deposited in the special railroad facility fund. This fund Moneys available, by appropriation or otherwise, to the authority for purposes of this chapter shall be administered by the authority and may be used to purchase or upgrade railroad right-of-way and trackage facilities or to purchase general or limited partnership interests in a partnership formed to purchase, upgrade, or operate railroad right-of-way and trackage facilities, to pay or secure obligations issued by the authority, to pay obligations, judgments, or debts for which the authority becomes liable in its capacity as a general partner, or for any other use authorized under this chapter. The fund moneys may also be used to purchase or upgrade railroad right-of-way and trackage facilities for the development of railroad passenger tourism.

2. Moneys received from repayment from heartland rail corporation as provided in 1983 Iowa Acts, chapter 198, section 32, as amended by 1987 Iowa Acts, chapter 232, section 28, and 1988 Iowa Acts, chapter 1211, section 6, shall be deposited in a separate account within the special railroad facility fund and shall general fund of the state and are appropriated to the authority to be used by the authority only for debt service or rehabilitation on branch rail lines whose total projected traffic is at least fifty percent agricultural products.

Sec. 62. Section 327I.23, subsection 3, Code Supplement 1993, is amended by striking the subsection.

Sec. 63. Section 327I.25, unnumbered paragraph 1, Code 1993, is amended to read as follows:

The authority shall certify to the treasurer of state amounts of money necessary for payment of principal and interest by the authority on obligations issued on or after July 1, 1988, or to make payments on leases guaranteed by the authority on or after July 1, 1988. However, certification shall only be made under this section when there are insufficient moneys available to the authority for the payment from moneys credited to the special railroad facility fund or other sources available to the authority of such principal and interest or the payment of such leases.

Sec. 64. Section 327I.26, Code 1993, is amended to read as follows:

327I.26 APPROPRIATION TO AUTHORITY.

Notwithstanding section 423.24 and prior to the application of section 423.24, subsection 1, paragraph "e d", there shall be deposited into the general fund of the state and is appropriated to the authority from eighty percent of the revenues derived from the operation of section 423.7 the amounts certified by the authority under section 327I.25. However, the total amount credited deposited into the general fund and appropriated to the Iowa railway finance authority under this section shall not exceed two million dollars annually. Moneys credited appropriated to the Iowa railway finance authority under this section are appropriated only for the payment of principal and interest on obligations or the payment of leases guaranteed by the authority as provided under section 327I.25.

Sec. 65. Section 328.12, subsection 1, Code 1993, is amended to read as follows:

1. Promotion of aeronautics. Encourage, foster, and assist in the general development and promotion of aeronautics in this state, and make disbursements from the state aviation fund moneys available for such purposes.

Sec. 66. Section 328.24, Code 1993, is amended to read as follows:

328.24 REFUNDS OF FEES.

If, during the year for which an aircraft, except nonresident aircraft used for the application of herbicides and pesticides, was registered and the required fee paid the aircraft is destroyed by fire or accident or junked, and its identity as an aircraft entirely eliminated, or it is removed and continuously used beyond the boundaries of the state, then the owner in whose name it was registered at the time of destruction, dismantling, or removal from the state shall return the certificate of registration to the department within ten days and make affidavit of ~~such~~ the destruction, dismantling, or removal and make claim for the refund. The refund shall be paid from the state aviation general fund of the state.

The registration fee for the unexpired portion of the year shall be refunded pro rata to the nearest full calendar month, except that a refund shall not be allowed if the unused portion of the fee is less than thirty-five dollars per aircraft.

Sec. 67. Section 328.36, Code Supplement 1993, is amended by striking the section and inserting in lieu thereof the following:

328.36 DEPOSIT AND USE OF REVENUES.

All moneys received by the department pursuant to section 328.21 or other sections of this chapter and those moneys remaining after the cost of administering the aviation fuel tax fund as provided in section 452A.82 shall be deposited into the general fund of the state and shall be subject to the requirements of section 8.60.

Sec. 68. Section 452A.79, unnumbered paragraph 2, Code Supplement 1993, is amended to read as follows:

~~A separate fund is created and designated as the "marine fuel tax fund". All moneys derived from the excise tax on the sale of motor fuel used in watercraft shall be deposited in the marine fuel tax general fund of the state. Moneys in the fund deposited to the general fund under this section and section 452A.84 are subject to the requirements of section 8.60 and are subject to appropriation by the general assembly to the department of natural resources for use in its recreational boating program, which may include but is not limited to:~~

Sec. 69. Section 452A.79, unnumbered paragraph 3, Code Supplement 1993, is amended by striking the unnumbered paragraph.

Sec. 70. Section 452A.82, Code 1993, is amended to read as follows:

452A.82 AVIATION FUEL TAX FUND.

The portion of the moneys collected under this chapter received on account of aviation gasoline and special fuel used in aircraft shall be deposited in a separate fund to be maintained by the treasurer. All moneys remaining in the separate fund after the cost of administering the fund ~~have~~ has been paid shall be credited to the state aviation general fund of the state.

Sec. 71. Section 452A.84, Code 1993, is amended to read as follows:

452A.84 TRANSFER TO MARINE FUEL TAX STATE GENERAL FUND.

The treasurer of state shall transfer from the motor fuel tax fund to the marine fuel tax fund created in section 452A.79 general fund of the state that portion of moneys collected under this chapter attributable to motor fuel used in watercraft computed as follows:

1. Determine monthly the total amount of motor fuel tax collected under this chapter and multiply the amount by nine-tenths of one percent.

2. Subtract from the figure computed pursuant to subsection 1 of this section three percent of the figure for administrative costs and further subtract from the figure the amounts refunded to commercial fishers pursuant to ~~subsection 13 of~~ section 452A.17, subsection 13. All moneys

remaining after claims for refund and the cost of administration have been made shall be transferred to the ~~marine fuel tax~~ general fund of the state.

Sec. 72. Section 456A.17, Code 1993, is amended to read as follows:
456A.17 FUNDS.

The following ~~five~~ four funds are created in the state treasury:

1. A state fish and game protection fund.
2. A state conservation fund.
3. An administration fund.
4. ~~A public outdoor recreation and resources fund.~~
5. A county conservation board fund.

The state fish and game protection fund, except as otherwise provided, consists of all moneys accruing from license fees and all other sources of revenue arising under the fish and wildlife division. Notwithstanding section 12C.7, subsection 2, interest or earnings on investments or time deposits of the ~~funds~~ moneys in the state fish and game protection fund ~~and the public outdoor recreation and resources fund~~ shall be credited to ~~those funds~~ respectively that fund.

The ~~public outdoor recreation and resources fund~~ and the county conservation board fund ~~consist~~ consists of all moneys credited to ~~them~~ it by law or appropriated to ~~them~~ it by the general assembly.

The conservation fund, except as otherwise provided, consists of all other funds accruing to the department for the purposes embraced by this chapter.

The administration fund shall consist of an equitable portion of the gross amount of the state fish and game protection fund and the state conservation fund, to be determined by the commission, sufficient to pay the expense of administration entailed by this chapter.

All receipts and refunds and reimbursements related to activities funded by the administration fund are appropriated to the administration fund. All refunds and reimbursements relating to activities of the state fish and game protection fund shall be credited to the state fish and game protection fund.

Sec. 73. Section 456A.19, unnumbered paragraph 7, Code 1993, is amended by striking the unnumbered paragraph.

Sec. 74. Section 461A.79, Code Supplement 1993, is amended to read as follows:
461A.79 PUBLIC OUTDOOR RECREATION AND RESOURCES FUND.

1. Fifty percent of the funds ~~credited to the~~ appropriated for purposes of this section for public outdoor recreation and resources ~~fund~~ shall be expended on land acquisition and capital improvements in carrying out the ~~provisions~~ of this chapter. Acquisition projects, both fee-simple and less-than-fee, from willing sellers, may be for purposes of establishment or expansion of state parks, public hunting areas, natural areas, public fishing areas, water access sites, trail corridors, and other acquisition projects that are in accord with this chapter. Notwithstanding the exemption provided by section 427.1, land acquired under this subsection is subject to the full consolidated levy of property taxes which shall be paid from revenues available to be expended under this subsection. Capital improvements may be either new developments or rehabilitative in nature. Lake and watershed restoration projects are eligible for funding under this subsection. Not more than fifty percent of the revenues available to be expended under this subsection may be used by the commission to enter into agreements with county conservation boards and county boards of supervisors in those counties without conservation boards to carry out the purposes of this subsection. The agreement shall not provide for the payment by the commission of more than seventy-five percent of the cost of the project and the agreement shall specify that the county conservation board or county board of supervisors, whichever is applicable, shall provide funds for the remaining cost of the project covered by the agreement. ~~Revenues~~ Moneys available to be expended under this subsection may be used for the matching of federal funds.

2. Forty-five percent of the funds ~~credited to the~~ appropriated for purposes of this section for public outdoor recreation and resources ~~fund~~ shall be expended on the state recreation

tourism grant program. This program shall provide matching grants to cities and unincorporated communities for purposes of developing or improving recreational projects or tourist attractions. A city or unincorporated community may submit an application to the commission for a matching grant, except that an unincorporated community shall submit the application through the county board of supervisors. Applications shall be reviewed by the advisory council for the public outdoor recreation and resources fund. The advisory council shall submit recommendations to the commission regarding possible recipients and grant amounts. Grants made to an unincorporated community shall be paid to the county board of supervisors to be used for the project of the unincorporated community. The amount of the grant shall not exceed fifty percent of the cost of the development or improvement to be made and the application must demonstrate that the city or unincorporated community will provide the required matching funds.

3. Five percent of the funds ~~credited to the~~ appropriated for purposes of this section for public outdoor recreation and resources fund shall be expended on advertising which shall promote the use of recreational facilities and tourist attractions in the state. The commission shall enter into an agreement with the Iowa department of economic development for the expenditure of these funds for this purpose.

4. ~~Notwithstanding any other provision of law, beginning on July 1, 1991, moneys to be credited to or deposited in the~~ Moneys available to be expended for purposes of this section for public outdoor recreation and resources fund shall be credited to or deposited to the general fund of the state and appropriations made for purposes of this section shall not be deposited into the public outdoor recreation and resources fund but shall be allocated as provided in this section. Moneys credited to or deposited to the general fund of the state pursuant to this subsection are subject to the requirements of section 8.60.

Sec. 75. Section 461A.80, subsections 1 and 2, Code 1993, are amended to read as follows:

1. An advisory council for ~~the public outdoor recreation and resources fund~~ appropriations made for the purposes of section 461A.79 is created. The council shall consist of a public member appointed by the governor from each congressional district, the chairperson of the commission, the director, and a designee of the Iowa department of economic development. No more than three public members shall belong to the same political party. The council shall elect a chairperson annually from among ~~their own~~ the council's members, and the director shall serve as council secretary. Persons already serving in an elected or appointed governmental capacity are not eligible to serve as council members.

2. The advisory council shall meet annually, in July, and upon the call of the chairperson of the advisory council. The advisory council shall make policy recommendations to the commission regarding the projects and programs to be funded from ~~the funds available for public outdoor recreation and resources fund~~ from appropriations made for the purposes of section 461A.79.

Sec. 76. Section 473.11, subsection 1, paragraph f, Code Supplement 1993, is amended to read as follows:

f. The moneys deposited under section 473.16 in the ~~energy research and development~~ general fund of the state shall be used for research and development of selected projects to improve Iowa's energy independence by developing improved methods of energy efficiency, or by increased development and use of Iowa's renewable nonresource-depleting energy resources. The moneys credited to the general fund of the state under section 556.18, subsection 3, shall be used for energy conservation and alternative energy resource projects. The projects shall be selected by the director and administered by the department. Selection criteria for funded projects shall include consideration of indirect restitution to those persons in the state in the utility customer classes and the utility service territories affected by unclaimed utility refunds or deposits.

~~Notwithstanding the provisions of this paragraph directing that moneys be deposited into the energy research and development fund, beginning July 1, 1991, all moneys shall be~~ Moneys

deposited into the general fund of the state under sections 473.16, 476.51, and 556.18, subsection 3, are subject to the requirements of section 8.60.

Sec. 77. Section 473.11, subsection 5, paragraph f, Code Supplement 1993, is amended by striking the paragraph.

Sec. 78. Section 473.16, Code 1993, is amended to read as follows:
473.16 ADDITIONAL FUNDS.

The department may accept funds from state and local sources and shall take steps necessary to obtain federal funds allotted and appropriated for the purpose of the above described energy-related programs. ~~Such~~ These funds shall be deposited in the energy research and development general fund of the state and shall be subject to the requirements of section 8.60. Federal funds received under the provisions of this section are appropriated for the purposes set forth in the federal grants.

~~Notwithstanding the provisions of this section directing that funds accepted be deposited into the energy research and development fund, for the fiscal period beginning on July 1, 1991, and ending June 30, 1993, all funds accepted shall be deposited into the general fund of the state and shall be appropriated as provided in section 93.11, subsection 1, paragraph "f".~~

Sec. 79. Section 475A.3, subsection 3, Code 1993, is amended to read as follows:

3. Salaries, expenses, and appropriation: The salary of the consumer advocate shall be fixed by the attorney general within the salary range set by the general assembly. The salaries of employees of the consumer advocate shall be at rates of compensation consistent with current standards in industry. The reimbursement of expenses for the employees and the consumer advocate is as provided by law. The appropriation for the office of consumer advocate shall be a separate line item contained in the appropriation from the ~~utility trust~~ general fund created pursuant to section 476.10 of the state.

Sec. 80. Section 476.10, unnumbered paragraphs 5 through 8, Code Supplement 1993, are amended by striking the unnumbered paragraphs and inserting in lieu thereof the following:

Fees paid to the utilities division shall be deposited in the general fund of the state. These funds shall be used for the payment, upon appropriation by the general assembly, of the expenses of the utilities division and the consumer advocate division of the department of justice. Subject to this section, the utilities division or the consumer advocate division may keep on hand with the treasurer of state funds in excess of the current needs of the utilities division or the consumer advocate division.

The administrator and consumer advocate shall account for receipts and disbursements according to the separate duties imposed upon the utilities and consumer advocate divisions by the laws of this state and each separate duty shall be fiscally self-sustaining.

All fees and other moneys collected under this section and sections 478.4, 479.16, and 479A.9 shall be deposited into the general fund of the state and expenses required to be paid under this section shall be paid from funds appropriated for those purposes. Moneys deposited into the general fund of the state pursuant to this section and sections 478.4, 479.16, and 479A.9 shall be subject to the requirements of section 8.60.

Sec. 81. Section 476.51, unnumbered paragraphs 5 and 6, Code 1993, are amended to read as follows:

Civil penalties collected pursuant to this section shall be forwarded by the executive secretary of the board to the treasurer of state to be credited to the ~~energy research and development general fund of the state~~ and to be used only for the low income home energy assistance program and the weatherization assistance program administered by the division of community action agencies of the department of human rights. Penalties paid by a rate-regulated public utility pursuant to this section shall be excluded from the utility's costs when determining the utility's revenue requirement, and shall not be included either directly or indirectly in the utility's rates or charges to customers.

Notwithstanding the provisions of this section directing that civil penalties collected be deposited into the energy research and development fund, for the fiscal period beginning on July 1, 1991, and ending June 30, 1993, all funds collected shall be deposited into the general fund of the state.

Sec. 82. Section 478.4, Code 1993, is amended to read as follows:

478.4 FRANCHISE — HEARING.

The utilities board shall consider ~~said~~ the petition and any objections filed ~~thereto~~ to it in the manner hereinafter provided. It shall examine the proposed route or cause any engineer selected by it to do so. If a hearing is held on the petition it may hear ~~such~~ testimony as may aid it in determining the propriety of granting ~~such~~ the franchise. It may grant ~~such~~ the franchise in whole or in part upon ~~such~~ the terms, conditions, and restrictions, and with ~~such~~ the modifications as to location and route as may seem to it just and proper. Before granting ~~such~~ the franchise, the utilities board shall make a finding that the proposed line or lines are necessary to serve a public use and represents a reasonable relationship to an overall plan of transmitting electricity in the public interest. ~~No~~ A franchise shall not become effective until the petitioners shall pay, or file an agreement to pay, all costs and expenses of the franchise proceeding, whether or not objections are filed, including costs of inspections or examinations of the route, hearing, salaries, publishing of notice, and any other expenses reasonably attributable ~~thereto~~ to it. The funds received for the costs and the expenses of the franchise proceeding shall be remitted to the treasurer of state for deposit in the utilities trust general fund of the state as provided in section 476.10.

Sec. 83. Section 479.16, Code 1993, is amended to read as follows:

479.16 USE RECEIPT OF FUNDS.

All moneys received under ~~the provisions of~~ this chapter shall be remitted monthly to the treasurer of state and credited to the utilities trust general fund of the state as provided in section 476.10.

Sec. 84. Section 479A.9, Code 1993, is amended to read as follows:

479A.9 DEPOSIT OF FUNDS.

Except as otherwise provided in section 479A.14, subsection 8, moneys received under this chapter shall be credited to the utilities trust general fund established of the state as provided in section 476.10.

Sec. 85. Section 524.207, Code Supplement 1993, is amended by striking the section and inserting in lieu thereof the following:

524.207 EXPENSES OF THE BANKING DIVISION — FEES.

1. All expenses required in the discharge of the duties and responsibilities imposed upon the banking division of the department of commerce, the superintendent, and the state banking board by the laws of this state shall be paid from fees provided by the laws of this state and appropriated by the general assembly from the general fund of the state. All of these fees are payable to the superintendent. The superintendent shall pay all the fees and other moneys received by the superintendent to the treasurer of state within the time required by section 12.10 and the fees and other moneys shall be deposited into the general fund of the state. The superintendent may keep on hand with the treasurer of state funds in excess of the current needs of the division to the extent approved by the state banking board.

2. The superintendent shall account for receipts and disbursements according to the separate duties imposed upon the superintendent by the laws of this state and each separate duty shall be fiscally self-sustaining.

3. The banking division may expend additional funds, including funds for additional personnel, if those additional expenditures are actual expenses which exceed the funds budgeted for bank examinations and directly result from examinations of banks. The amounts necessary to fund the excess examination expenses shall be collected from banks being regulated, and the collections shall be treated as repayment receipts as defined in section 8.2. The division

shall notify in writing the legislative fiscal bureau and the department of management when hiring additional personnel. The written notification shall include documentation that any additional expenditure related to such hiring will be totally reimbursed to the general fund, and shall also include the division's justification for hiring such personnel. The division must obtain the approval of the department of management only if the number of additional personnel to be hired exceeds the number of full-time equivalent positions authorized by the general assembly.

4. All fees and moneys collected shall be deposited into the general fund of the state and expenses required to be paid under this section shall be paid from funds appropriated for those purposes. Moneys deposited into the general fund of the state pursuant to this section shall be subject to the requirements of section 8.60.

Sec. 86. Section 533.67, Code Supplement 1993, is amended by striking the section and inserting in lieu thereof the following:

533.67 EXPENSES OF THE CREDIT UNION DIVISION — FEES.

1. All expenses required in the discharge of the duties and responsibilities imposed upon the credit union division, the superintendent, and the credit union review board by the laws of this state shall be paid from fees provided by the laws of this state and appropriated by the general assembly from the general fund of the state. All of these fees are payable to the superintendent. The superintendent shall pay all the fees and other moneys received by the superintendent to the treasurer of state within the time required by section 12.10 and the fees and other moneys shall be deposited into the general fund of the state. The superintendent may keep on hand with the treasurer of state funds in excess of the current needs of the division to the extent approved by the credit union review board.

2. The superintendent shall account for receipts and disbursements according to the separate duties imposed upon the superintendent by the laws of this state and each separate duty shall be fiscally self-sustaining.

3. The credit union division may expend additional funds, including funds for additional personnel, if those additional expenditures are actual expenses which exceed the funds budgeted for credit union examinations and directly result from examinations of credit unions. The amounts necessary to fund the excess examination expenses shall be collected from credit unions being regulated, and the collections shall be treated as repayment receipts as defined in section 8.2. The division shall notify in writing the legislative fiscal bureau and the department of management when hiring additional personnel. The written notification shall include documentation that any additional expenditure related to such hiring will be totally reimbursed to the general fund, and shall also include the division's justification for hiring such personnel. The division must obtain the approval of the department of management only if the number of additional personnel to be hired exceeds the number of full-time equivalent positions authorized by the general assembly.

4. All fees and other moneys collected shall be deposited into the general fund of the state and expenses required to be paid under this section shall be paid from funds appropriated for those purposes. Moneys deposited into the general fund of the state pursuant to this section shall be subject to the requirements of section 8.60.

5. The division may accept reimbursement of expenses related to the examination of a credit union from the national credit union administration or any other share guarantor or insurance plan authorized by this chapter. These reimbursements shall be deposited into the general fund of the state.

Sec. 87. Section 542B.12, Code 1993, is amended to read as follows:

542B.12 DISPOSITION OF FEES.

The staff shall collect and account for all fees provided for by this chapter and pay the fees to the treasurer of state who shall deposit the fees in the ~~professional licensing revolving general~~ fund of the state.

Sec. 88. Section 542C.3, subsection 3, Code Supplement 1993, is amended to read as follows:

3. All fees and other moneys received by the board, pursuant to this chapter, shall be paid monthly to the treasurer of state for deposit in the professional licensing revolving general fund of the state.

The board shall make a biennial report to the governor of its proceedings, with an account of all moneys received and disbursed, a list of the names of certified public accountants and accounting practitioners whose certificates, permits to practice, or licenses have been revoked or suspended, and other information as it deems proper or the governor requests.

Sec. 89. Section 543B.14, Code 1993, is amended to read as follows:

543B.14 FEES AND EXPENSES — FUNDS.

All fees and charges collected by the real estate commission under this chapter shall be paid into the professional licensing revolving general fund of the state, except that the equivalent of the greater of ten dollars or forty percent per year of the fees for each real estate salesperson's license, plus the equivalent of the greater of ten dollars or twenty-five percent per year of the fees for each broker's license shall be paid into the Iowa real estate education fund created in section 543B.54. All expenses incurred by the commission under this chapter, including compensation of staff assigned to the commission, shall be paid ~~out of the professional licensing revolving fund from funds appropriated for those purposes~~, except for expenses incurred and compensation paid for the real estate education director, which shall be paid out of the real estate education fund.

Sec. 90. Section 543D.6, subsection 2, Code 1993, is amended to read as follows:

2. Fees collected by the board shall be transmitted to the treasurer of state who shall deposit the fees in the professional licensing revolving general fund of the state.

Sec. 91. Section 544A.11, unnumbered paragraph 2, Code 1993, is amended to read as follows:

All fees shall be paid to the treasurer of state and deposited in the professional licensing revolving general fund of the state.

Sec. 92. Section 544B.14, unnumbered paragraph 2, Code 1993, is amended to read as follows:

All fees shall be collected by the secretary, paid to the treasurer of state and deposited in the professional licensing revolving general fund of the state.

Sec. 93. Section 546.9, unnumbered paragraph 2, Code 1993, is amended by striking the unnumbered paragraph.

Sec. 94. Section 546.10, subsection 5, Code Supplement 1993, is amended by striking the subsection.

Sec. 95. Section 546.10, subsection 6, Code Supplement 1993, is amended by striking the subsection and inserting in lieu thereof the following:

6. Fees collected under chapters 542B, 542C, 543B, 543D, 544A, and 544B shall be paid to the treasurer of state and credited to the general fund of the state. All expenses required in the discharge of the duties and responsibilities imposed upon the professional licensing division of the department of commerce, the administrator, and the licensing boards by the laws of this state shall be paid from moneys appropriated by the general assembly for those purposes. All fees deposited into the general fund of the state, as provided in this subsection, shall be subject to the requirements of section 8.60.

Sec. 96. Section 556.18, subsection 1, Code Supplement 1993, is amended to read as follows:

1. All Except as provided in subsection 3, all funds received under this chapter, including the proceeds from the sale of abandoned property under section 556.17, shall be deposited monthly by the treasurer of state in the general fund of the state. However, the treasurer of state shall retain in a separate trust fund an amount not exceeding two hundred thousand dollars from which the treasurer of state shall make prompt payment of claims duly allowed under section 556.20. Before making the deposit, the treasurer of state shall record the name

and last known address of each person appearing from the holders' reports to be entitled to the abandoned property and the name and last known address of each insured person or annuitant, and with respect to each policy or contract listed in the report of a life insurance corporation, its number, the name of the corporation, and the amount due. The record shall be available for public inspection at all reasonable business hours.

Sec. 97. Section 556.18, Code Supplement 1993, is amended by adding the following new subsection:

NEW SUBSECTION. 3. The treasurer of state shall annually credit all moneys received under section 556.4 to the general fund of the state. Moneys credited to the general fund of the state pursuant to this subsection are subject to the requirements of subsections 1 and 2 and section 8.60.

Sec. 98. Section 327H.24, Code 1993, is repealed.

Sec. 99. Section 546.11, Code Supplement 1993, is repealed.

Sec. 100. The requirements of section 8.60, subsection 17, with respect to moneys received and credited under section 556.18, subsection 3, as enacted by this Act, relate back to moneys received and credited to the energy research and development fund under section 556.18, subsection 3, Code 1993, except that the reference to former section 93.11 is replaced with a reference to section 473.11.

Approved April 25, 1994

CHAPTER 1108

OSTEOPATHIC STUDENT LOANS

S.F. 2092

AN ACT relating to the college student aid commission loan reserve account and the osteopathic forgivable loan program, and creating an osteopathic loan revolving fund.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 261.19A, unnumbered paragraph 2, Code 1993, is amended to read as follows:

An eligible student is eligible for loan forgiveness in ~~the~~ an amount of equal to twenty-five percent of the outstanding balance of principal and accrued interest, or three thousand dollars, whichever is greater, per year of practice in the state of Iowa for up to a maximum of four years. If a student fails to complete a year of practice in the state, as practice is defined by the college student aid commission, the loan amount for that year shall not be forgiven. Forgivable loans to eligible students shall not become due, for repayment purposes, until after the student has completed the student's residency. A loan that has not been forgiven may be sold to a bank, savings and loan association, credit union, or nonprofit agency eligible to participate in the guaranteed student loan program under the federal Higher Education Act of 1965, 20 U.S.C. § 1071 et seq., by the commission when the loan becomes due for repayment.

Sec. 2. **NEW SECTION. 261.19B OSTEOPATHIC LOAN REVOLVING FUND.**

An osteopathic loan revolving fund is created in the state treasury as a separate fund under the control of the commission. The commission shall deposit payments made by osteopathic loan recipients and the proceeds from the sale of osteopathic loans into the osteopathic loan